

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Michael P. Whitman, et al. EXAMINER: Gloria R. Weeks
SERIAL NO.: 10/785,672 GROUP: 3721
FILED: February 23, 2004 DATED: October 6, 2010
TITLE: **SURGICAL CUTTING AND STAPLING DEVICE**

Mail Stop: AF
Commissioner for Patents
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PRELIMINARY AMENDMENT

Sir:

In response to a Final Office Action mailed July 6, 2010, an Advisory Action mailed September 14, 2010, and together with the filing of a Request for Continued Examination herewith, Applicants respectfully request that the above-identified application be amended in accordance with the following prior to a further examination thereof:

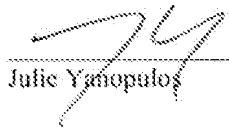
Amendments to the claims are reflected in the **listing of claims** that begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being transmitted on the date below with the United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, via electronic submission.

Dated: October 6, 2010


Julie Ymopoulos